

HOUSE BILL 2296

By Halford

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 20, relative to establishing a "yellow dot" motor vehicle medical information program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 20, is amended by adding Sections 2 through 12 as a new part 3.

SECTION 2. There is established within the department of transportation the "yellow dot" motor vehicle medical information program that may be an extension of the department's senior drivers safety program. The purpose of the "yellow dot" program is to assist senior drivers and passengers who participate in the program and emergency medical responders in reporting critical medical information in the event of a motor vehicle accident or a medical emergency involving a participant's vehicle.

SECTION 3. For purposes of this part, "emergency medical responder" or "responder" means an emergency medical technician, emergency medical technician-paramedic, paramedic, other emergency medical services provider, physician or nurse on the scene or accompanying or attending a patient in an ambulance, fire fighter, or law enforcement officer.

SECTION 4. The department of transportation may utilize the governor's highway safety office to coordinate this statewide program with local law enforcement agencies, fire departments and emergency medical services agencies, which may serve as the enrollment stations for the program. In developing and implementing this program the department and such local agencies may seek the assistance of interested non-profit organizations, including, but not limited to, the American Association of Retired Persons, American Automobile Association and the Tennessee Coalition for the Enhancement of Senior Drivers.

SECTION 5.

(a) Any owner or lessee of a motor vehicle whose age is sixty-five (65) years or older may participate in the program upon submission of an application and documentation, in the form and manner prescribed by the department of transportation.

(b) The application form shall include a statement that the information submitted will be disclosed only to authorized personnel of the department, law enforcement and public safety agencies, emergency medical services agencies, and hospitals for the purposes authorized in Section 8.

(c) The form shall describe the confidential nature of the medical information voluntarily provided and state that by providing the department or local agencies with the medical information, the participant has authorized the use and disclosure of the medical information to authorized personnel for the purposes described in Section 8. The form shall also require the participant's express written consent for such use and disclosure.

(d) The department shall not charge any fee to participate in the "yellow dot" program.

SECTION 6.

(a) Each participant shall receive a "yellow dot" decal and a "yellow dot" folder. The participant shall affix the decal on the rear window in the left lower corner of any motor vehicle other than a motorcycle. The decal and its placement on motorcycles shall be approved jointly by the department of safety and the department of transportation.

(b) Persons who are sixty-five (65) years of age or older and who ride in motor vehicles as passengers also may participate in the program, but shall not be issued a decal if the owner or lessee of the motor vehicle in which the person rides participates in the program.

SECTION 7. The "yellow dot" folder, which shall be stored in the glove compartment of the motor vehicle, or the compartment attached to a motorcycle, shall contain an information form containing the following about the participant:

- (1) Name;
- (2) Photograph;
- (3) Emergency contact information of no more than two (2) persons;
- (4) Medical information, including medical conditions, recent surgeries, allergies, and medications being taken;
- (5) Hospital preference; and
- (6) No more than two (2) physicians' contact information.

SECTION 8.

(a) If a driver or any passenger of a motor vehicle becomes involved in a motor vehicle accident or emergency situation, and a "yellow dot" decal is affixed to the vehicle, an emergency medical responder at the scene shall search the compartment of the vehicle for the corresponding "yellow dot" folder.

(b) An emergency medical responder may use the information in the folder for the following purposes:

- (1) Positively identifying the participant;
- (2) Learning whether the participant has a medical condition that may impede communications with the responder;
- (3) Communicating with the participant's emergency contacts about the location, condition or death of the participant;
- (4) Learning the nature of any medical information reported by the participant on the form; and

(5) Ensuring that the person's current medications and pre-existing medical conditions are considered when emergency medical treatment is administered for any injury the participant suffers.

SECTION 9. Except for wanton or willful conduct, no emergency medical responder nor the employer of a responder shall incur any liability if a responder is unable to make contact, in good faith, with an emergency contact person, or disseminates or fails to disseminate any information from the "yellow dot" folder to other emergency medical responders, hospitals, or any healthcare providers who render emergency medical treatment to the participant.

SECTION 10. The information received pursuant to this part shall be treated as confidential and shall only be made accessible to authorized personnel of the department, governor's highway safety office, law enforcement and public safety agencies, emergency medical services agencies, and hospitals for the purposes authorized in Section 8. Such information shall not be a public record for purposes of title 10, chapter 7. The department of transportation may adopt guidelines and procedures for ensuring that medical information about any participant is not made public through the program.

SECTION 11. The department of transportation or governor's office of highway safety may provide education and training to encourage emergency medical responders to participate in the program and may take reasonable measures to publicize the program.

SECTION 12. The commissioner of transportation is authorized to promulgate rules and regulations to effectuate the purposes of this part. All rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 13. For the purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2013, the public welfare requiring it.